

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

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|---------------------------|---|------------------------|
| ROBERT V. WONSCH, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. CIV-17-0342-F |
| -vs- |) | |
| |) | |
| SMART COMMUNICATIONS, US, |) | |
| INC., et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

Plaintiff Robert V. Wonsch, a prisoner appearing *pro se* whose pleadings are liberally construed, filed this civil rights action seeking relief from a number of defendants. In the Report and Recommendation of May 10, 2017 (doc. no. 9, the Report), the magistrate judge recommended dismissal of this action without prejudice based on her conclusion that plaintiff's application to proceed *in forma pauperis* failed to disclose all deposits to his institutional account, and failed to describe each source for those deposits which the Report describes as a significant omission.

Plaintiff objects (doc. no. 10) to the entirety of the Report. Accordingly, the Report has been reviewed *de novo*.

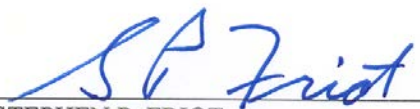
The primary basis of plaintiff's objection is his contention that he did not lie in his application to proceed in forma pauperis. He explains that he did not have legal assistance and that he did not understand the nature of the information called for in the application.

The Report indicates that omission of the required information is significant, and that without the requisite disclosures the court cannot determine whether a source of money could satisfy plaintiff's filing fee, fully or in part. The Report states that "it is difficult to conceive of any reason for [plaintiff's] misinterpretation" of the questions on the *ifp* application form, given the circumstances presented here. The Report does not, however, state that plaintiff "lied," *per se*. In fact, the Report states that the issue is not whether plaintiff intended to deceive the court. Doc. no. 9, p. 5 of 7.

No matter how the failures to fully disclose sources of money are characterized, the court concludes that the Report should be adopted in its entirety. The court also finds that in light of the detailed Report, no purpose would be served by any additional discussion here.

Having reviewed the Report, and having considered plaintiff's objections *de novo*, the objections are **DENIED**. The Report is **ACCEPTED, ADOPTED** and **AFFIRMED**. As recommended in the Report, this action is **DISMISSED** without prejudice to refile. This dismissal **MOOTS** the pending motions for leave to proceed *in forma pauperis* (doc. nos. 8, 6), which are **STRICKEN**.

IT IS SO ORDERED this 17th day of May, 2017.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE